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ACT

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PRESIDENT'S OFFICE

KANTOOR VAN DIE PRESIDENT

No. 1758.

1 November 1996

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It is hereby notified that the President has assented to the following Act which is hereby published for general information:—

Hierby word bekend gemaak dat die President sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 58 of 1996: Trade Metrology Amendment Act, 1996.

No. 58 van 1996: Wysigingswet op Handelsmetrologie, 1996.

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

_____ Words underlined with a solid line indicate insertions in existing enactments.

ACT

To amend the Trade Metrology Act, 1973, so as to authorise the Minister of Trade and Industry to assign to provincial governments the carrying out of certain functions specified in that Act; to authorise the president of the SABS to disclose certain information in order to prevent the consumer from being misled or to inform the public of the names of persons who do not comply with any provision of that Act; and to provide for matters connected therewith.

*(English text signed by the President.)
(Assented to 24 October 1996.)*

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Amendment of section 3 of Act 77 of 1973, as amended by section 3 of Act 15 of 1990 and substituted section 2 of Act 17 of 1993

1. Section 3 of the Trade Metrology Act, 1973 (hereinafter referred to as the principal Act), is hereby amended by the substitution for subsection (4) of the following subsection: 5

“(4) No person shall act as an inspector, unless he or she is employed by and acts on behalf of the South African Bureau of Standards, [or] any statutory body contemplated in section 7(1) or is employed by and acts on behalf of any provincial government.”. 10

Amendment of section 7 of Act 77 of 1973, as substituted by section 7 of Act 15 of 1990 and section 5 of Act 17 of 1993

2. Section 7 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection: 15

“(1) The Minister may, after consultation with the SABS Council, assign in writing to any statutory body or provincial government the carrying out, subject to such conditions and requirements as may be prescribed by regulation, of any function specified in this Act.”.

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde in vet druk tussen vierkantige hake dui skappings uit bestaande verordenings aan.

Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die Wet op Handelsmetrologie, 1973, ten einde die Minister van Handel en Nywerheid te magtig om die verrigting van sekere werksaamhede in daardie Wet vermeld aan provinsiale regerings op te dra; die president van die SABS te magtig om sekere inligting bekend te maak ten einde die gebruiker teen misleiding te beskerm of om die publiek te verwittig van die name van persone wat nie aan 'n bepaling van daardie Wet voldoen nie; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die President geteken.)
(Goedgekeur op 24 Oktober 1996.)

DAAR WORD BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:—

Wysiging van artikel 3 van Wet 77 van 1973, soos gewysig deur artikel 3 van Wet 15 van 1990, en vervang deur artikel 2 van Wet 17 van 1993

5 1. Artikel 3 van die Wet op Handelsmetrologie, 1973 (hieronder die Hoofwet genoem), word hierby gewysig deur subartikel 4 deur die volgende subartikel te vervang:

10 “(4) Niemand mag as 'n inspekteur optree nie, tensy hy of sy in diens is van, en optree namens, die Suid-Afrikaanse Buro vir Standaarde, [of] enige statutêre liggaam beoog in artikel 7(1) of enige provinsiale regering.”.

Wysiging van artikel 7 van Wet 77 van 1973, soos vervang deur artikel 7 van Wet 15 van 1990 en artikel 5 van Wet 17 van 1993

15 2. Artikel 7 van die Hoofwet word hierby gewysig deur subartikel 1 deur die volgende subartikel te vervang:

“(1) Die Minister kan, na oorleg met die SABS-raad, die uitvoering van 'n werksaamheid vermeld in hierdie Wet, onderworpe aan die voorwaardes en vereistes wat by regulasie voorgeskryf word, skriftelik opdra aan 'n statutêre liggaam of provinsiale regering.”.

Insertion of section 45 in Act 77 of 1973

3. The following section is hereby inserted in the principal Act after section 44:

“Disclosure of certain information to protect consumer

45. (1) The President may, if he or she is of the opinion that it is necessary in the public interest and to protect the consumer, reveal in any manner—

(a) any information which in his or her opinion is necessary to prevent the public from being misled concerning any aspect regulated by this Act; or

(b) the name of a person who in his or her opinion does not comply with any provision of this Act.

(2) The disclosure referred to in subsection (1) may relate also to the trade name and trade mark of a commodity.”.

Short title and commencement

4. This Act shall be called the Trade Metrology Amendment Act, 1996, and shall come into operation on a date fixed by the President by proclamation in the *Gazette*.

Invoeging van artikel 45 in Wet 77 van 1973

3. Die volgende artikel word hierby in die Hoofwet na artikel 44 ingevoeg:

“Bekendmaking van sekere inligting ter beskerming van verbruiker

- 5 **45.** (1) Die President kan indien hy of sy van oordeel is dat dit in die
openbare belang en vir die beskerming van die verbruiker noodsaaklik is—
(a) enige inligting wat volgens sy of haar oordeel nodig is om te voorkom
dat die publiek mislei word aangaande enige aangeleentheid deur
hierdie Wet gereël; of
10 (b) die naam van 'n persoon wat volgens sy of haar oordeel nie die
bepalings van hierdie Wet nakom nie,
op enige wyse openbaar.
(2) Die openbaarmaking bedoel in subartikel (1) kan ook betrekking hê
op die handelsnaam en handelsmerk van 'n kommoditeit.”.

Kort titel en inwerkingtreding

- 15 **4.** Hierdie Wet heet die Wysigingswet op Handelsmetrologie, 1996, en tree in
werking op 'n datum deur die President by proklamasie in die *Staatskoerant* bepaal.

